FILED

CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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| **UNITED STATES OF AMERICA,** Plaintiff, v. **Clarice Victoria BARRON (D1)** and **Esmeralda CORTEZ (D2)** Defendants. | Magistrate Case No. '07 MJ 273 <br> COMPLAINT FOR VIOLATION OF <br> Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien Without Presentation |

The undersigned complainant being duly sworn states:

On or about **November 24, 2007**, within the Southern District of California, defendant **Clarice Victoria BARRON (D1)** and **Esmeralda CORTEZ (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely **Gerardo AYON-Perez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and
Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26TH** DAY OF **NOVEMBER**, 2007.

UNITED STATES MAGISTRATE JUDGE

FAS

**PROBABLE CAUSE STATEMENT**

The complainant states that **Gerardo AYON-Perez** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial thereof by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On November 24, 2007 at approximately 2220 hours **Clarice Victoria BARRON (D1)**, applied for entry into the United States from Mexico through the San Ysidro, California Port of Entry as the driver of a blue Chevrolet pick-up. Accompanying D1 was **Esmeralda CORTEZ (D2)**, who was the front passenger in the vehicle. A CBP Canine Officer received an alert to the blue Chevrolet pick-up from his canine. A Customs and Border Protection (CBP) Officer obtained a negative Customs declaration from D1, conducted a cursory inspection of the vehicle and discovered a person concealed behind the rear seat area. The vehicle and its occupants were subsequently escorted to secondary.

In secondary, a CBP Enforcement Officer removed the rear seat and discovered one male concealed in a non-factory compartment. The male was later identified as **Gerardo AYON-Perez**, a citizen of Mexico without entitlements to enter or reside in the United States. **Gerardo AYON-Perez** is now identified as the **Material Witness (MW)** in the case.

During a videotaped proceeding, D2 was advised of her Miranda Rights. D2 acknowledged her rights and elected to answer questions without an attorney present. D2 admitted D1 provided her with an opportunity to make money for smuggling an undocumented alien into the United States. D2 admitted knowing an undocumented alien (MW) was concealed in the vehicle. D2 admitted picking up a male (MW) in Tijuana, Mexico. D2 admitted to being present when Material Witness was being concealed in the vehicle by D1. D2 admitted she and D1 were going to be monetarily compensated for the smuggling act. D2 admitted she and D1 were going to transport MW to Pomona, California.

During a videotaped interview, MW admitted he is a citizen of Mexico without entitlements to enter or reside in the United States. MW stated he was to pay $3000.00 (USD) to be smuggled into the United States. MW stated he was going to Los Angeles, California to reunite with his family. MW stated two females, matching D1 and D2 descriptions, picked him up at the Tijuana, Mexico airport and assisted him in being concealed in the pick-up. MW stated the two females operating the pick-up had knowledge that he was a citizen of Mexico without entitlements to enter the United States.